

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 05-37

September 2, 2005

AUTHORIZATION FOR EXCEPTION TO KRS 11A.045(1)

EXCEPTION NO. 2005-4

RE: May inspector accept donations from account set up to assist his family to which vendors have donated?

DECISION: Yes.

This opinion is issued in response to your August 17, 2005 request for an exception to KRS 11A.045(1) from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the September 2, 2005 meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. An inspector for the Kentucky Transportation Cabinet was involved in a tragic accident approximately two weeks ago that resulted in the death of his six year old daughter, and life threatening injuries to him and his four year old son. It is your understanding that he may never be able to return to work. You ask whether your company, a subcontractor on a road resurfacing project the employee inspected, may make contributions to the accounts set up to assist the family of the inspector.

KRS 11A.045 (1) provides:

(1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation

against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. **Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.** (Emphasis added)

The Commission authorizes an exception to allow the inspector to accept donations from an account set up to assist his family to which your company or any company the Transportation Cabinet may do business with or be regulated by may have donated. The Commission believes that its exception authorization was created for circumstances such as this, and an exemption will not create an appearance of impropriety

Sincerely

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: John A. Webb